

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 5/6/2019

BOARD MEMBERS PRESENT: Justin Kobbe Solace Vice-Chair
Mary Jo White, D.C.
Riki Nagle-Ker

BOARD MEMBERS ABSENT: Carla A Steen - Chair

BUREAU STAFF: Kelley Packer, Bureau Chief
Dawn Hall, Deputy Bureau Chief
Lori Peel, Investigative Unit Manager
Nicholas Krema, General Counsel
Rob McQuade, Legal Counsel
Eric Nelson, Board Prosecutor
Candace Villarreal, Board Specialist

OTHERS PRESENT: Gayla Dumont, AMTA Delegate Idaho
Becky Olinger, AMTA Idaho Chapter President
Jamie Slaughter, AMTA Member
Joan Hamilton, AMTA Member
Angela Hastings, AMTA Financial Administrator

The meeting was called to order at 9:00 AM MDT by Justin Kobbe Solace.

BOARD ELECTIONS

Dr. White made a motion to nominate Mr. Kobbe Solace as Board Vice Chair. It was seconded by Ms. Nagle-Ker. Motion carried.

INTRODUCTIONS

Ms. Packer introduced Mr. Nicholas Krema, the Bureau's new general counsel.

APPROVAL OF MINUTES

Ms. Nagle-Ker made a motion to approve the minutes of 03/11/2019 with corrections. It was seconded by Dr. White. Motion carried.

DISCIPLINE

Mr. Nelson presented a Stipulation and Consent Order in case MAS-2019-1. Ms. Nagle-Ker made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. White. Motion carried.

LEGISLATIVE REPORT

Ms. Packer stated that for the first time the legislature adjourned without reauthorization of the state's administrative rules and that all Boards need to act to temporarily reauthorize their rules. The purpose of the meeting is to review a draft of the temporary rules to submit to the Governor's Office by May 10, 2019. Ms. Packer further stated that a full review of the Board's rules will be performed in 2020 for the 2021 legislative session. Ms. Packer also explained the changes that will be made to the Board's applications and website for applicants who are active duty military, veterans, and their spouses because of H248 being signed into law. She updated the Board on the status of its administrative rules and the procedure by which those will remain in effect after June 30.

Mr. McQuade stated that the Bureau performed a brief review of the Board's rules to identify duplicative rules to present the Board for review and assessment. He also covered the Red Tape Reduction Act and the Bureau's process to review each Board's rules over the next two years.

Mr. McQuade explained that the Board is unable to make additions or changes to rules for this temporary reauthorization unless they are duplications of their statutes and that a full Board review of the rules will take place in 2020. He covered the duplications found by the Bureau and asked the Board to consider reauthorization of the rules as recommended.

The Board discussed the recommendations. Ms. Nagle-Ker made a motion to authorize the Bureau of Occupational Licenses to reauthorize IDAPA 24.27.01, the rules of the Idaho State Board of Massage Therapy, to renew all rules except 010.02, 010.03, 300.02 and 300.03. It was seconded by Dr. White. Motion carried.

Mr. McQuade covered human trafficking legislation from the 2019 legislative session including Senate Bills S1003a and S1005a. In response to the information provided regarding this issue, Ms. Kelley stated that the Bureau is planning to open a dialog with the Federal Bureau of Investigation I and local police soon.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$377,274.76 as of 4/30/2019.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Nagle-Ker made a motion to approve the Bureau's recommendation and authorize closure in cases I-MAS-2019-2 and I-MAS-2019-4. It was seconded by Dr. White. Motion carried.

RECONSIDERATION REQUESTS

Mr. Crema reviewed the 21-day reconsideration policy for denied applications, disciplinary action or other matters. Ms. Nagle-Ker made a motion to authorize the Board Chair or Vice Chair to review reconsiderations in between meetings and decide whether a meeting should be convened regarding a decision on the appeal or to let the appeal be denied by operation of law. It was seconded by Dr. White. Motion carried.

OLD BUSINESS

The Board reviewed the To Do List and no action was taken.

NEW BUSINESS

MEETING DATES

NEXT MEETING is scheduled for **July 15, 2019 at 8:30 AM MDT**

DISCUSSION OF CE REQUIREMENTS

The Board discussed existing Board protocols regarding acceptance of continuing education as outlined in rules 500, 501, 502, 503 and, in addition, discussed the exemptions listed in Idaho Code § 54-4003 regarding approval of continuing education CE. It was acknowledged that the Board previously did not accept CE courses pertaining to exempted modalities listed in Idaho Code § 54-4003. Dr. White made a motion that the Board now accept courses approved by the National Certification Board for Therapeutic Massage (NCBTMB), the Associated Bodywork and Massage Professionals (AMBP) or the American Massage Therapy Association (AMTA), even if listed in Idaho Code § 54-4003 Exemptions, except if prohibited in Idaho Code § 54-4004 Prohibitions. It was seconded by Ms. Nagle-Ker. Motion carried.

FEDERATION OF STATE MASSAGE THERAPY BOARDS

MEMBERSHIP RENEWAL

Federation of State Massage Therapy Boards (FSMTB) membership renewal was discussed. Ms. Nagle-Ker made a motion to approve the renewal of membership, pay

the membership dues, and allow the Bureau Chief to sign the membership application/renewal form invoice. It was seconded by Dr. White. Motion carried.

2019 ANNUAL MEETING

Attendance at the 2019 annual meeting to be held in Atlanta Georgia October 3-5, 2019 was discussed. Ms. Nagle-Ker made a motion that in addition to the voting delegate, paid for by the FSMTB, the Board will send an additional Board member and the Board specialist. It was seconded by Dr. White. Motion carried.

MBLEX EXAM FEE INCREASE

Discussion was held regarding the April 1, 2020 MBLEx exam fee increase from \$195 to \$265. The Board acknowledged that this is the first time in 13 years the FSMTB has raised the fee and reviewed that the fees cover application processing, transcript validation, provision of the examination at secure test centers, exam result reporting and storage, and that expenses include examination development as well as psychometric and legal defensibility. Additionally, they reviewed that FSMTB provides testing accommodations for those who qualify and MBLEx Candidate Handbooks to schools and candidates at no cost. The Federation will immediately notify all approved schools so they have time to prepare students. No action was taken.

EXECUTIVE DIRECTORS SUMMIT REPORT

Ms. Villarreal reported to the Board on her attendance at the summit held in Cleveland, Ohio, April 17-19, 2019. She stated that executive and administrative staff from 24 jurisdictions discussed opportunities and challenges within the massage regulatory community. Topics included regulation in the current political climate, establishment licensing, reducing the burden on state governments, and the impact of human trafficking.

CORRESPONDENCE

The Board reviewed correspondence from Dr. Tim Ferrell regarding licensure of physicians as massage therapists and scope of practice regarding Thai massage. In addition to the response already sent with information regarding how to apply for massage therapy licensure in Idaho, the Board directed Ms. Villarreal to reply to the correspondence stating: Please review the requirements contained in rules and law including Idaho Code § 54-4002 Definitions and § 54-4003 Exemptions; seek personal legal counsel regarding scope of practice and the practice of specific modalities without licensure in Idaho; and contact the Idaho Board of Medicine regarding scope of practice for physicians. It was seconded by Ms. Nagle-Ker. Motion carried.

EXECUTIVE SESSION

Dr. White made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to consider license application materials. It was seconded by Ms. Nagle-Ker. The vote was: Ms. Nagle-Ker, aye; Dr. White, aye; and Mr. Kobbe Solace, aye. Motion carried.

Dr. White made a motion to come out of executive session. It was seconded by Ms. Nagle-Ker. The vote was: Ms. Nagle-Ker, aye; Dr. White, aye; and Mr. Kobbe Solace, aye. Motion carried.

CE COURSES

Dr. White made a motion to approve the following course applications:

17317 Massage and Cancer, Finding the New Normal
17349 Working with the Lower Body-Assessment and Treatment of the
Lower Body
17350 Working with the Upper Body-Assessment and Treatment of the
Head, Neck and Shoulder
17351 General Practice Ethics

It was seconded by Ms. Nagle-Ker. Motion carried.

APPLICATIONS

Ms. Nagle-Ker made a motion to approve the following for licensure:

Abernathie, Ciara	MASA-3776
Allen, Jana	MASA-3807
Avila, Erika	MASA-3808
Barlow, Lacey	MASA-3756
Batterton, Kathy	MASA-3792
Christian, David	MASA-3781
Fackrell, Aubree	MASA-3795
Gordon, Kristine	MASA-3770
Grass, Kalika	MASA-3768
Heredia, Leslie	MASA-3771
Kagarice, Luke	MASA-3772
Law, Lauren	MASA-3765
Livingstone, Kelly	MASA-3777
Lozano, Emily	MASA-3797
Manmano, Maureen	MASA-3783
Matthews, Kathryn	MASA-3779
Nanez, Dominique	MASA-3794
Neibaur, Lacie	MASA-3774
Nelson, Julianne	MASA-3789

OConnor, Karen	MASA-3782
Pennock, Elizabeth	MASA-3784
Randall, Roger	MASA-3802
Ruddle, Kaya	MASA-3798
Ryan, Pia	MASA-3806
Serdahl, Hayley	MASA-3780
Shaw, Kelli	MASA-3773
Sorensen, Heather	MASA-3805
Starke, Cheyenne	MASA-3785
Stevens, Jade	MASA-3788
Tomco, Kelcee	MASA-3787
Wang, Dongshu	MASA-3778
Wheeler, Melinda	MASA-3803
Williams, Andrea	MASA-3786
Williams, Diandra	MASA-3796
Xin, Ziyong	MASA-3804

It was seconded by Dr. White. Motion carried.

Ms. Nagle-Ker made a motion to table the following pending receipt of additional information:

901-164-039

It was seconded by Dr. White. Motion carried.

Dr. White made a motion to approve the following pending receipt of additional information:

901-165-587
901-166-097
901-163-763
901-166-560
901-166-544
901-165-463
901-166-713
901-165-760

It was seconded by Ms. Nagle-Ker. Motion carried.

ADJOURNMENT

Dr. White made a motion to adjourn the meeting at 12:50 PM MDT. It was seconded by Ms. Nagle-Ker. Motion carried.

Carla A Steen, Chair

Justin Kobbe Solace

Mary Jo White, D.C.

Riki Nagle-Ker

Kelley Packer, Bureau Chief